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Sather, Crawford, Curry, and Abanico

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 **IVAN VERNARD CLEVELAND,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.

C 07-2809 JF (PR)

**DECLARATION OF
KENNETH T. ROOST IN
SUPPORT OF DEFENDANTS'
MOTION TO DISMISS**

21 I, KENNETH T. ROOST, declare as follows:

22 1. I am an attorney admitted to practice before the courts of the State of California and
23 before this Court. I am employed by the California Attorney General's Office as a Deputy
24 Attorney General in the Correctional Law Section. I am assigned to represent Defendants Sather,
25 Crawford, Curry, and Abanico in this case. I am competent to testify to the following matter, and
26 if called on to do so, I would and could so testify. I submit this declaration in support of
27 Defendants Sather and Crawford's motion to dismiss.

28 2. Attached as Exhibit A are two custodian-of-records declarations from the Correctional

1 Training Facility (CTF) where Plaintiff Ivan Cleveland is presently housed. These declarations
2 were received with the remaining exhibits, and authenticate them.

3 3. Attached as Exhibit B is the Internal Affairs response to Cleveland concerning
4 administrative grievance no. CTF-06-03011.

5 4. Attached as Exhibit C is the Director's Level response to administrative grievance no.
6 CTF-07-01924, which concerns Cleveland's request for a transfer to another prison.

7 5. Attached as Exhibit D is the Director's Level response to administrative grievance no.
8 CTF-07-01050, which concerns Cleveland's allegations of misconduct against Correctional
9 Lieutenant Biggs.

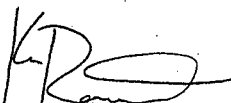
10 6. Attached as Exhibit E is the administrative-appeal history for administrative grievance
11 no. CTF-06-03404.

12 7. Attached as Exhibit F is the administrative-appeal history for administrative grievance
13 no. CTF-06-03358.

14 8. Attached as Exhibit G is the administrative-appeal history for administrative grievance
15 no. CTF-06-01608.

16 9. These attached documents were provided by the Custodian of Records in response to
17 the Attorney General Office's request for inmate appeals from Plaintiff's Central File relevant to
18 this action.

19 I declare under penalty of perjury that the foregoing is true and correct to the best of my
20 knowledge and that this declaration is executed on April 1, 2008, at San Francisco, California.

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24 KENNETH T. ROOST
25 Deputy Attorney General

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